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**OFFICE OF PETITIONS**

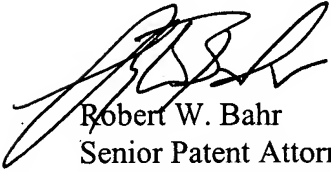
In re Application of	:	
Vincent Palmere et al.	:	
Application No. 10/674,698	:	
Filed: October 1, 2003	:	
For: METHODS AND COMPOSITIONS	:	NOTICE REGARDING
FOR RETARDING AND ERADICATING	:	INFORMATION DISCLOSURE
INFESTATION IN TREES AND TREE	:	STATEMENT
DERIVED PRODUCTS	:	

The United States Patent and Trademark Office (Office) has received the IDS filed January 12, 2005. In due course, the Office will consider the references cited. See MPEP §609. However, the IDS includes statements concerning events that allegedly took place during the prosecution of the application that matured into U.S. Patent No. 6,426,095 ("the '095 patent"). The Office will **not** consider such statements and will not vouch for the accuracy of such statements.

Practitioners are not permitted to make inquiries of an examiner concerning prosecution of an application which matured into a patent, and the examiner is prohibited from discussing such matters with practitioners. MPEP §1701. An applicant (or applicant's representative) cannot use any pending application to make inquiries (or a record of alleged events) concerning alleged events that occurred during the examination of any application that matured into an issued patent because such discussions constitute a clear violation of the practitioner's duty to refrain from discussing such matters with Office personnel. Therefore, statements made in the IDS relating to any alleged event that occurred in the examination of the application that lead to the '095 patent (or any other application) will not be considered and the Office will not vouch for the accuracy of such statements.

Moreover, all official business with the Office involving an application must be reduced to writing. 37 C.F.R. §1.2; MPEP §713.04. Therefore, an applicant (or applicant's representative) is reminded that it is the responsibility of both the applicant (or applicant's representative) and the examiner to record the substance of the interview. Thus, the Interview Summary form is considered a complete and proper recordation of the interview, unless it is supplemented by the applicant (or applicant's representative) in the next response. MPEP §713.04.

Finally, the Office does **not** consider issues of enforceability or validity of an issued patent and attorney argument concerning such issues will **not** be considered by the Office. Moreover, examiners are prohibited from making any statement concerning the enforceability or validity of any issued patent. MPEP §1701 and 37 CFR Part 104.

A handwritten signature in black ink, appearing to read 'RWB', is positioned above the printed name.

Robert W. Bahr  
Senior Patent Attorney  
Office of the Deputy Commissioner  
for Patent Examination Policy